

# **EXHIBIT 14**

**In the Matter Of:**

DAT THANH LUONG vs ALAMEDA COUNTY, et al.,

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**DANA WHITE**

*June 03, 2019*

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COURT  
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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 ---oOo---

4 DAT THANH LUONG, DECEASED, through  
5 his Co-Successors in Interest, AI  
6 QIONG ZHONG, Individually and as  
7 mother and Next Friend for W.L., a  
8 minor, and MAI CHAU, individually,

9 Plaintiff,

10 vs.

11 No. 3:17-cv-06675-EMC

12 ALAMEDA COUNTY, a public entity;  
13 SHERIFF GREG AHERN; JAIL COMMANDER  
14 THOMAS MADIGAN; DR. RINATA WAGLE,  
15 M.D.; ESTATE OF MOHINDER KAUR, M.D.;  
16 JACKSON & COKER LOCUMTENENS, LLC;  
17 BONNIE COOK, MFT; DEPUTY BRANDEN  
18 MCBRIDE; SHERIFF'S TECHNICIAN ROBERT  
19 LUEBKER; DEPUTY SCOTT BRYNING; DEPUTY  
20 SHAWN CHRISTIANSEN; NAPA STATE HOSPITAL,  
21 CALIFORNIA DEPARTMENT OF STATE HOSPITALS,  
22 a public entity; PAM AHLIN; DOLLY MATTEUCCI;  
23 CINDY BLACK; and DOES 1-20, Jointly and Severally,

24 Defendants.  
25

\_\_\_\_\_/

26 VIDEOTAPED DEPOSITION OF DANA WHITE

27 Taken before MICHELE J. LUCAS

28 CSR No. 4017

29 June 3, 2019

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		Page 2			Page 4
1	I N D E X		1	DEPOSITION OF DANA WHITE	
2			2		
3	EXAMINATION BY MS. SHERWIN	PAGE	3	BE IT REMEMBERED, that pursuant to Notice, and	
4	EXAMINATION BY MS. ADDAMS	8,78	4	on the day 3rd of June 2019, commencing at the hour of	
5			5	10:13 a.m., in the offices of Haddad & Sherwin, 505	
6	E X H I B I T S		6	17th Street, Oakland, California 94612, before me,	
7	NUMBER	PAGE	7	MICHELE J. LUCAS, a Certified Shorthand Reporter, State	
8	Exhibit 1	Deposition subpoena	6	of California, personally appeared DANA WHITE, produced	
9	Exhibit 2	Ataydc Order re Stipulation Re	6	as a witness in said action, and being by me first duly	
		Confidential Document Production		sworn, was thereupon examined as a witness in said	
10	Exhibit 3	White binder: Luong Direct	6	11 cause.	
11		Admission Waiting List		12 ---oOo---	
12	Exhibit 4	Ramirez State Production Waiting	6	13 APPEARANCES	
		List Materials		14 For the Plaintiff:	
13				15 JULIA SHERWIN	
14	Exhibit 5	List 11/2018-5/2019	9	16 MAYA SORENSEN	
15	Exhibit 6	DSH 000539550		17 Haddad & Sherwin	
		2-Page Direct Admission Waiting	15	18 505 17th Street	
16		List No. 7529-7558		19 Oakland, CA 94612	
	Exhibit 7	2-Page Direct Admission Waiting	32	20 510-452-5500	
17		List No. 5999-6028		21 Michael.julia@haddadsherwin.com	
18	Exhibit 8	1-Page Direct Admission Waiting	43	22 Maya@haddadsherwin.com	
		List 4949-4978 Prout		23	
19				24 For the Defendants Napa State Hospital, California	
	Exhibit 9	1-Page Direct Admission Waiting	45	25 Department of State Hospitals:	
20		List 3149-3178 Morua			
21	Exhibit 10	1-Page Direct Admission Waiting	46	21 JENNIFER C. ADDAMS	
		List 4619-4648 Shipley		22 Deputy Attorney General	
22				23 455 Golden Gate Avenue, Suite 11000	
	Exhibit 11	1-Page Direct Admission Waiting	49	24 San Francisco, CA 94102-7004	
23		List 962-991		25 415-510-3363	
24	Exhibit 12	2-Page Direct Admission Waiting	51	Jennifer.addams@doj.ca.gov	
		List 2159-2188			
25					
Page 3			Page 5		
1	E X H I B I T S		1	For the Defendant Department of State Hospitals:	
2	NUMBER	PAGE	2	SHELISE (SHELLEY) MUZIO	
3	Exhibit 13	2-Page Direct Admission Waiting	53	State of California	
		List 2099-2128		3 Department of State Hospitals	
4				4 1600 9th Street, Room 350	
	Exhibit 14	Other Types of County Designated	56	5 Sacramento, CA 95814	
5		Facilities		6 916-651-9729	
6	Exhibit 15	E-mail chain dated Oct 11-12,	63	Shelise.muzio@dsh.ca.gov	
		2016 DSH 000054			
7				VIDEO OPERATOR: Philip Knowles	
	Exhibit 16	E-mail dated 7/11/2017	65	7	
8		DSH 000059		8	
9				9	
10				10	
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Page 6

1 (Exhibits 1-4 were marked for identification.)  
2  
3 THE VIDEOGRAPHER: Good morning, Counsel.  
4 Here begins media No. 1 of the deposition of Dana  
5 White vs. -- sorry -- deposition of Dana White,  
6 Volume One. The caption of this case is Luong vs.  
7 Alameda County, et al., in the United States  
8 District Court for the Northern District of  
9 California, and the case number is  
10 3:17-CV-06675-EMC.  
11 Today's date is Monday, June 3rd, 2019,  
12 and the time is approximately 10:14 a.m. This  
13 deposition is taking place at 505 17th Street in  
14 Oakland, California, 94612.  
15 The videographer and court reporter are  
16 both appearing on behalf of Aiken Welch Court  
17 Reporters in Oakland, California.  
18 Would counsel please voice identify  
19 yourselves and state whom you represent.  
20 MS. SHERWIN: This is Julia Sherwin along  
21 with Maya Rodriguez Sorensen for the Plaintiffs.  
22 MS. ADDAMS: Jennifer Addams on behalf of  
23 the State Defendants, and I am here with Shelley  
24 Muzio.  
25 THE VIDEOGRAPHER: Thank you, Counsel.

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1 The court reporter will now swear in the  
2 witness, and we can begin.  
3  
4 DANA WHITE,  
5 sworn as a witness,  
6 testified as follows:  
7  
8 MS. SHERWIN: Before we proceed, I just  
9 want to note for the record that the parties have  
10 had a discussion off the record, and the State has  
11 produced some documents in this case that also were  
12 produced in the Atayde case against the State as  
13 well.  
14 And I will just note for the record we've  
15 marked as Exhibit 2 to the deposition the order in  
16 the Atayde case, Lucy Atayde vs. Napa State  
17 Hospital, et al., Eastern District of California  
18 case No. 1:16-CV-00398-DAD-SAB, document No. 141,  
19 filed May 23rd, 2019.  
20 That stipulation and order removes the  
21 confidentiality provision -- designations of the  
22 documents that we will be -- the waiting list  
23 documents, including Ms. White's direct admission  
24 waiting list, that will be discussed today, and so  
25 we have marked that as Exhibit 2 to the deposition.

Page 8

1 As Exhibit 1, we have the subpoena to  
2 testify in this deposition, which requested some  
3 documents from the witness.  
4 EXAMINATION BY MS. SHERWIN:  
5 Q. Ms. White, can you take a look at  
6 Exhibit 1. Let me pull it out for, and you let me  
7 know if you have seen that document before today.  
8 A. Yes.  
9 Q. Okay. And did you take a look at the list  
10 of documents that we asked you to produce, which is  
11 Attachment A, and gather all the documents and  
12 information that you could?  
13 A. Yes.  
14 Q. Okay. So I understand from your counsel  
15 that you have brought some documents with you both  
16 on CDs and in paper copies and that the State  
17 requires permission from some director in order to  
18 produce a thumb drive.  
19 So at this time, in lieu of the thumb  
20 drive you are producing CDs, and I guess the thumb  
21 drive permission is pending, correct?  
22 MS. ADDAMS: That's right. We will have  
23 that thumb drive.  
24 MS. SHERWIN: Okay. So can I see those,  
25 please. Thank you.

Page 9

1 And then, just for the record, the CD ROM  
2 has Bates numbers 292 to 550 on it.  
3 And what is contained on this CD-ROM?  
4 MS. ADDAMS: I can speak for her.  
5 MS. SHERWIN: Oh, okay. Sure.  
6 MS. ADDAMS: It has her database. It's  
7 responsive -- I'm sorry. I don't have the --  
8 MS. SHERWIN: Exhibit 3, the direct  
9 admission waiting list?  
10 MS. ADDAMS: Could I -- sorry.  
11 MS. SHERWIN: Sure.  
12 MS. ADDAMS: It is responsive to the  
13 subpoena, No. 1, which is a database that Dana  
14 White had been accumulating.  
15 BY MS. SHERWIN:  
16 Q. Okay. And then, Ms. White, you have  
17 produced some paper copies identified DSH 539  
18 through 550, and what are these paper documents?  
19 A. It looks like the waiting list through --  
20 it starts at 11-8-18 to, through, 5-17-19.  
21 Q. Okay. Can I see that, please?  
22 We will mark that as Exhibit 5 to the  
23 deposition.  
24 (Exhibit 5 was marked for identification.)  
25 ///

<p style="text-align: right;">Page 10</p> <p>1 BY MS. SHERWIN:</p> <p>2 Q. And, Ms. White, is this paper copy</p> <p>3 responsive to our request for a paper copy of your</p> <p>4 complete direct admission waiting list from</p> <p>5 October 17th, 2018, to the present?</p> <p>6 Do you want to look at it again?</p> <p>7 Okay. So just going back to reorient you,</p> <p>8 on our request for documents Attachment A, item</p> <p>9 No. 3, we requested a paper copy of your complete</p> <p>10 direct admission waiting list from October 17,</p> <p>11 2018, to the present.</p> <p>12 A. Oh, it looks like -- no. This is from</p> <p>13 11-8-18.</p> <p>14 MS. ADDAMS: I apologize. It looks like</p> <p>15 it's missing a page. I can get that to you.</p> <p>16 BY MS. SHERWIN:</p> <p>17 Q. Okay. And then it goes until May 17th you</p> <p>18 said?</p> <p>19 A. Yeah. May 17th of this year.</p> <p>20 Q. Okay. Do you know why it ends at</p> <p>21 May 17th?</p> <p>22 A. I ended.</p> <p>23 Q. And why did you end it at May 17th?</p> <p>24 A. I'm not -- I wasn't there anymore.</p> <p>25 Q. Oh, you stopped working at the State?</p>	<p style="text-align: right;">Page 12</p> <p>1 July of 2003?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When did you stop doing that job?</p> <p>4 A. I think -- when did I leave? I think the</p> <p>5 21st of May was my last day on duty.</p> <p>6 Q. Okay. Did you go to another role within</p> <p>7 the Department of State Hospitals?</p> <p>8 A. I could have, and I chose not to.</p> <p>9 Q. Okay. Are you working someplace else</p> <p>10 right now?</p> <p>11 A. No.</p> <p>12 Q. Did you decide to retire?</p> <p>13 A. I will retire eventually, but I can't</p> <p>14 retire now until December 30th.</p> <p>15 Q. Are you currently employed by the</p> <p>16 Department of State Hospitals?</p> <p>17 A. Yes.</p> <p>18 Q. But you are not working?</p> <p>19 A. I am on leave.</p> <p>20 Q. Oh, I see.</p> <p>21 A. I had too much time, and I was unable to</p> <p>22 retire. I wanted to retire soon, and my timekeeper</p> <p>23 was against that.</p> <p>24 Q. Okay. So you are on leave?</p> <p>25 A. For six months.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I haven't been at work since then.</p> <p>2 Q. Since May 17th?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And so I have deposed you a couple</p> <p>5 of times, and just so I don't have to go over</p> <p>6 everything we went over in your previous two</p> <p>7 depositions, would you say that your testimony</p> <p>8 under oath in both the Atayde case and the Matthew</p> <p>9 Anderson case was truthful?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So if I were to ask you the exact</p> <p>12 same questions today as I asked you in the Atayde</p> <p>13 case or the Anderson case, you would testify</p> <p>14 consistently with your depositions in those cases,</p> <p>15 right?</p> <p>16 A. I hope so.</p> <p>17 Q. And I understood from your deposition in</p> <p>18 the Atayde case that you had been the direct</p> <p>19 admissions coordinator for Napa State Hospital for</p> <p>20 many years, correct?</p> <p>21 A. Yes.</p> <p>22 Q. How many years were you the direct</p> <p>23 admissions coordinator?</p> <p>24 A. More than 15.</p> <p>25 Q. And you started doing that, job was it in</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. All right. And then at the end of the six</p> <p>2 months, you will be retired; is that right?</p> <p>3 A. Yes. Starting December 31st.</p> <p>4 Q. Okay. Do you know who took over your</p> <p>5 position as the direct admissions coordinator?</p> <p>6 A. I do not.</p> <p>7 Q. Okay. So the documents that you brought</p> <p>8 today that were your updated direct admissions</p> <p>9 waiting lists, that goes until May 17th of 2019</p> <p>10 because you stopped adding patients to the list --</p> <p>11 A. Yes.</p> <p>12 Q. -- before you left on --</p> <p>13 A. The 21st.</p> <p>14 Q. -- May 21st. Okay.</p> <p>15 And then I understand from the State's</p> <p>16 response to our subpoena that you don't have any --</p> <p>17 well, strike that.</p> <p>18 I understand from the State's response to</p> <p>19 our subpoena you don't have any documents regarding</p> <p>20 any other person who died in custody while waiting</p> <p>21 admission to Napa State Hospital.</p> <p>22 Is that right?</p> <p>23 A. That's true.</p> <p>24 Q. And you also don't have other waiting</p> <p>25 lists -- well, strike that.</p>



<p style="text-align: right;">Page 14</p> <p>1 When you were actively working in Napa 2 State Hospital, you also did not have any other 3 e-mails, documents, or correspondence regarding 4 anyone else who had died while waiting for 5 admission to Napa State Hospital; is that right? 6 <b>A. That's correct.</b> 7 Q. And then at the time you left your active 8 employment, you also did not have any other 9 electronic copies of any waiting lists for 10 admission other than your direct admission waiting 11 lists that you produced in this case and the Atayde 12 case, right? 13 <b>A. That's true.</b> 14 Q. When did you first get your RN license? 15 <b>A. September 1991.</b> 16 Q. And before that you were a site tech, 17 right? 18 <b>A. Yes.</b> 19 Q. When did you get your psych tech license? 20 <b>A. I think it was January or February of</b> 21 <b>1977.</b> 22 Q. When did you first start working at Napa 23 State Hospital in any capacity? 24 <b>A. April 1st, 1977.</b> 25 Q. So you have worked at Napa State Hospital</p>	<p style="text-align: right;">Page 16</p> <p>1 Is my representation correct? 2 <b>A. Yes.</b> 3 Q. Okay. And did you -- in the first column 4 on the left-hand side, it says just No. 1. 5 Did you basically put people on the list, 6 and they have their own individual number in the 7 order in which you have them on the list? 8 <b>A. Oh, you are talking about 7552, the</b> 9 <b>number --</b> 10 Q. Right. That column. 11 <b>A. The computer makes that number.</b> 12 Q. Okay. 13 <b>A. Like he was just the next one I put in</b> 14 <b>there, and the computer gives him that number.</b> 15 Q. Okay. And then in column A, it says: 16 "Complete." What does that refer to? 17 <b>A. That I thought that when the, when the</b> 18 <b>packet arrived, it was complete. I didn't have to</b> 19 <b>do like a lot of calling around begging people for</b> 20 <b>things, that I probably had everything I thought I</b> 21 <b>needed.</b> 22 Q. Okay. So that column "complete," you are 23 indicating whether or not the patient's admissions 24 packet was complete, correct? 25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 15</p> <p>1 for over 40 years; is that right? 2 <b>A. That's correct.</b> 3 Q. And the direct admission waiting list that 4 is Exhibit 3 to your deposition is something that 5 you created in the course of your job as the direct 6 admissions coordinator for Napa State Hospital, 7 right? 8 <b>A. Yes.</b> 9 Q. And you created each of the entries on the 10 direct admission waiting list, right? 11 <b>A. Yes, I did.</b> 12 Q. And it was your regular practice to keep 13 track of all of the folks who were placed on 14 waiting list at Napa State Hospital when you were 15 actively working at the hospital, right? 16 <b>A. Yes.</b> 17 MS. SHERWIN: So let's mark this as the 18 next in line. 19 (Exhibit 6 was marked for identification.) 20 BY MS. SHERWIN: 21 Q. For the record, Exhibit 6 are the pages 22 from your direct admission waiting list that have a 23 listing for Dat Luong as patient No. 7552 on the 24 waiting list, and I have highlighted it for your 25 convenience.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And Dat Luong's admission packet was 2 complete, right? 3 <b>A. Yes.</b> 4 Q. And the next column, column C, says 5 "date," and there is a date of August 22nd, 2016. 6 What does that date refer to? 7 <b>A. The date that his -- he went on the</b> 8 <b>waiting list.</b> 9 Q. Okay. So for each of the patients who are 10 listed on the waiting list, the date always refers 11 to the date that they go on the waiting list for 12 admission to Napa State Hospital? 13 <b>A. Yes.</b> 14 Q. Are you the person who put Dat Luong on 15 the waiting list, or did somebody else put him on 16 the waiting list? 17 <b>A. I did.</b> 18 Q. That was your role as the direct 19 admissions coordinator? 20 <b>A. Yes.</b> 21 Q. That was your job going back to 2003, 22 right? 23 <b>A. Yes.</b> 24 Q. The Alameda County, that's the county that 25 ordered him to Napa State Hospital right?</p>

<p style="text-align: right;">Page 18</p> <p>1       <b>A. Yes.</b></p> <p>2       Q. And then you have a section entitled</p> <p>3       "legal," and for Dat Luong you have 1370. What</p> <p>4       does that refer to?</p> <p>5       <b>A. The type of commitment.</b></p> <p>6       Q. And then the next column says "admitted,"</p> <p>7       and it has a date of October 11th of 2016. What</p> <p>8       does that refer to?</p> <p>9       <b>A. Well, he wasn't really admitted, but that</b></p> <p>10       <b>was probably the date, maybe, that I found out that</b></p> <p>11       <b>he died in custody because over in H it says:</b></p> <p>12       <b>"Died in custody."</b></p> <p>13       Q. Right.</p> <p>14       <b>A. So that's probably the date.</b></p> <p>15       Q. That's the data you learned that Dat Luong</p> <p>16       died in Santa Rita Jail while he was awaiting</p> <p>17       admission to Napa State Hospital?</p> <p>18       <b>A. That's probably the date there or close to</b></p> <p>19       <b>the date.</b></p> <p>20       Q. Okay. And we met last -- for the second</p> <p>21       time last October for your deposition, and I was</p> <p>22       reading your deposition yesterday and just noted</p> <p>23       it's fairly common for you to answer my question</p> <p>24       when I am in the middle of the question.</p> <p>25       <b>A. Oh, I'm sorry.</b></p>	<p style="text-align: right;">Page 20</p> <p>1       <b>A. Correctional case records analyst.</b></p> <p>2       Q. Okay. So before the packet gets sent to</p> <p>3       the admissions suite, the people who review the</p> <p>4       packet are you as the direct admissions coordinator</p> <p>5       when you performed that job and then also the</p> <p>6       CCRAs; is that correct?</p> <p>7       <b>A. Yes.</b></p> <p>8       Q. And then the column H says: "Died in</p> <p>9       custody."</p> <p>10       Where would you have gotten the</p> <p>11       information that Dat Luong died in custody?</p> <p>12       <b>A. I heard about it from the suite.</b></p> <p>13       Q. Who told you?</p> <p>14       <b>A. A nurse in the suite received a phone</b></p> <p>15       <b>call.</b></p> <p>16       Q. Do you know who the nurse was that</p> <p>17       informed you?</p> <p>18       <b>A. No. But there's been a lot of change-up</b></p> <p>19       <b>over there over time. People have either quit and</b></p> <p>20       <b>moved on or retired.</b></p> <p>21       Q. Okay. You mean from the admissions suite?</p> <p>22       <b>A. Yes.</b></p> <p>23       Q. And then looking at the next page, at the</p> <p>24       top of the second column, it says: "OSC BWA."</p> <p>25       What does that mean?</p>
<p style="text-align: right;">Page 19</p> <p>1       Q. So I would just ask you to be mindful of</p> <p>2       that and be patient with me. I have to talk in a</p> <p>3       very boring, slow way to get the court reporter to</p> <p>4       get my whole question on the record before you</p> <p>5       answer it. Okay?</p> <p>6       <b>A. Okay.</b></p> <p>7       Q. Thank you.</p> <p>8       So October 11, 2016, was the date that you</p> <p>9       were informed that Dat Luong died, correct?</p> <p>10       <b>A. Yes.</b></p> <p>11       Q. And then it says: "Approved August 30th</p> <p>12       of 2016." What does that mean?</p> <p>13       <b>A. That means that the CCRAs, probably, they</b></p> <p>14       <b>go over the packet after I do, and they redact</b></p> <p>15       <b>everything. They copy it, and then the packet gets</b></p> <p>16       <b>sent to the admissions suite.</b></p> <p>17       So if they find that everything's right,</p> <p>18       which they probably did on 8-30, then they redact</p> <p>19       it, copy it, and it gets sent to the suite, and</p> <p>20       that's -- we consider that our approval date.</p> <p>21       Q. Okay. When the admissions packet gets</p> <p>22       sent to the admissions suite, correct?</p> <p>23       <b>A. Yes.</b></p> <p>24       Q. And you said CCRAs. What does that refer</p> <p>25       to?</p>	<p style="text-align: right;">Page 21</p> <p>1       <b>A. Oh, that's like -- let me think.</b></p> <p>2       I'm not sure what the initials mean, but a</p> <p>3       lot of times counties will file an OSC before they</p> <p>4       mail the packet.</p> <p>5       Q. Okay. And so when you say OSC, you are</p> <p>6       talking about an order to show cause why the</p> <p>7       Department of State Hospitals should not be held in</p> <p>8       contempt for disobeying a commitment?</p> <p>9       <b>A. Right. And people were filing them before</b></p> <p>10       <b>they even dropped the packet in the mail to the</b></p> <p>11       <b>hospital.</b></p> <p>12       Q. Okay. And do you know what BWA stands</p> <p>13       for?</p> <p>14       <b>A. I don't -- I can't recall.</b></p> <p>15       Q. The next column says: "Med ruling," and</p> <p>16       for Dat Luong it says: "IMD." What does that</p> <p>17       refer to?</p> <p>18       <b>A. Involuntary medication determination.</b></p> <p>19       Q. What does that mean?</p> <p>20       <b>A. That means that medications were ordered</b></p> <p>21       <b>involuntarily.</b></p> <p>22       Q. Why was it important for you to note that</p> <p>23       on your direct admission waiting list?</p> <p>24       <b>A. The treatment teams want to know the</b></p> <p>25       <b>minute somebody arrives if they can medicate.</b></p>



<p style="text-align: right;">Page 22</p> <p>1 Q. And so for you keeping track of the</p> <p>2 medication ruling, is that information that you</p> <p>3 provide to the treatment team?</p> <p>4 A. Sometimes I get calls from doctors because</p> <p>5 they'll read the commitment order, and they'll go:</p> <p>6 What does that mean? What did the judge mean by</p> <p>7 that?</p> <p>8 Sometimes when English isn't the first</p> <p>9 language spoken, they are not sure. So they'll</p> <p>10 call just to confirm something.</p> <p>11 Q. Okay. And then you tell the doctor that</p> <p>12 that language in the commitment order means that</p> <p>13 the patient needs to get involuntary medication,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And that's a medical necessity for the</p> <p>17 patient that the court has found and ordered,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Looking at the next column, you have the</p> <p>21 date committed, and for Dat Luong you have</p> <p>22 July 22nd, 2016.</p> <p>23 What does that refer to?</p> <p>24 A. The date on the commitment order.</p> <p>25 Q. So that's the date that the court ordered</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. Why did it take 39 days to approve Dat</p> <p>3 Luong for admission to Napa State Hospital when the</p> <p>4 court ordered his commitment on July 22nd, 2016?</p> <p>5 A. It takes some time for the court to</p> <p>6 actually generate the packet and mail it to us.</p> <p>7 Q. Do you put the patient on the waiting list</p> <p>8 after their packet is complete?</p> <p>9 A. When it's mailed to us?</p> <p>10 Q. Right. After you have received the</p> <p>11 packet.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So you received the packet, the</p> <p>14 admissions packet, for Dat Luong on August 22nd,</p> <p>15 2016, right?</p> <p>16 A. And put it on the waiting list.</p> <p>17 Q. Then why would it have taken eight days</p> <p>18 from the time you received the packet for Dat's</p> <p>19 admission to Napa State Hospital to be approved?</p> <p>20 A. Do you see the rest of the waiting list</p> <p>21 there?</p> <p>22 Q. I do see the rest of the waiting list.</p> <p>23 A. Okay. There's a few people in that office</p> <p>24 to do all of this work.</p> <p>25 Q. When you say, "There's a few people in</p>
<p style="text-align: right;">Page 23</p> <p>1 the patient to be committed to Napa State Hospital</p> <p>2 for restorative treatment, correct?</p> <p>3 A. Yes.</p> <p>4 Q. So for Dat Luong, the court ordered him to</p> <p>5 be committed at Napa State Hospital for restorative</p> <p>6 treatment on July 22nd of 2016, right?</p> <p>7 A. Yes.</p> <p>8 Q. In the course of your work with the State</p> <p>9 of California, have you understood that when a</p> <p>10 person is charged with a crime and found</p> <p>11 incompetent to stand trial and ordered to --</p> <p>12 committed to a state hospital, he has a</p> <p>13 constitutional right to prompt restorative</p> <p>14 treatment?</p> <p>15 A. Yes.</p> <p>16 Q. And you have been trained about that by</p> <p>17 the State of California, correct?</p> <p>18 A. Yes.</p> <p>19 Q. So I note that you approved -- or strike</p> <p>20 that.</p> <p>21 I note that Napa State Hospital approved</p> <p>22 Dat Luong for admission 39 days after the court</p> <p>23 ordered him committed to the Napa State Hospital,</p> <p>24 or on October 30th of 2016.</p> <p>25 Is that right?</p>	<p style="text-align: right;">Page 25</p> <p>1 that office to do all of this work," what do you</p> <p>2 mean?</p> <p>3 A. I mean you have -- at that time in 2016,</p> <p>4 you had a few CCRAs to do all of this. Plus they</p> <p>5 do other jobs other than approve these packets.</p> <p>6 They have other duties as well.</p> <p>7 Q. Okay. And were you the only person --</p> <p>8 well, strike that.</p> <p>9 I assume a CCRA doesn't have any sort of</p> <p>10 nursing license.</p> <p>11 Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. They are technicians, right?</p> <p>14 A. They are -- yeah. They are analysts.</p> <p>15 Q. Okay. So are you the only person in Napa</p> <p>16 State Hospital, when you worked there actively, who</p> <p>17 would review the patient's admissions packet before</p> <p>18 it went to the CCRAs?</p> <p>19 A. Yes.</p> <p>20 Q. During the entire time that you have</p> <p>21 worked at Napa State Hospital as the direct</p> <p>22 admissions coordinator, have they ever had anyone</p> <p>23 else also doing the same work that you do,</p> <p>24 reviewing the admissions packets?</p> <p>25 A. They did for a short time in about 2005,</p>

<p style="text-align: right;">Page 26</p> <p>1 and it didn't work out. She went home with a 2 headache and never came back and quit and left her 3 keys in the boss's mailbox.</p> <p>4 It was a weird situation, but she didn't 5 like the job, and when she left, my supervisor 6 said: "Okay. Well, you'll just be doing the 7 whole" -- we were splitting up the counties.</p> <p>8 And at that time, my boss said: "Well, 9 that didn't work out very well. You'll just be 10 doing all of the counties, and I will just get you 11 a bigger office, and you'll do all of these 12 counties."</p> <p>13 And then I took over from there doing all 14 of the counties.</p> <p>15 Q. All of the counties in the State of 16 California?</p> <p>17 A. Well, no, because Atascadero and Patton 18 and Metro do the more southerly counties, but we do 19 mostly Northern California. I think there is like 20 30 or 40 counties or so.</p> <p>21 Q. So at one time in 2005, there was another 22 person helping you review the admissions packets?</p> <p>23 A. Yes.</p> <p>24 Q. How long did that person work there?</p> <p>25 A. Six months around so.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. And they are just -- I just did the best 2 job I could every day. I worked, came early, ate 3 lunch at my desk, and sometimes went home late. So 4 I did a lot of work every day.</p> <p>5 Q. I understand that, but I am asking 6 actually a bit of a different question.</p> <p>7 It seems -- well, strike that.</p> <p>8 In any given week, when you were actively 9 working, about how many admissions packets did you 10 have to review for people who were sent to Napa 11 State Hospital?</p> <p>12 A. Anywhere from 20 to 40.</p> <p>13 Q. And some of those packets were very 14 voluminous, right?</p> <p>15 A. Yes.</p> <p>16 Q. In addition to reviewing packets, what 17 other things did you do? What other job duties did 18 you have?</p> <p>19 A. I mostly just tried to stick to that 20 because that is extremely time-consuming, and, you 21 know, to search out to make sure that nobody that's 22 escaped gets into Napa, and to read through all of 23 these things, it takes a lot of concentration.</p> <p>24 Q. Okay. And then I understand from your 25 deposition in the Atayde case that you would have</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And then she just, sounds like, walked off 2 the job, right?</p> <p>3 A. She hated the job.</p> <p>4 Q. Was your supervisor at that time Diane 5 Mond?</p> <p>6 A. My supervisor was Chris Goodman.</p> <p>7 Q. So at that time in 2005 -- is Chris 8 Goodman a man or a woman?</p> <p>9 A. A woman.</p> <p>10 Q. Okay. Ms. Goodman informed you that you 11 would be reviewing all the packets for the counties 12 in Northern California where people are referred to 13 Napa State Hospital?</p> <p>14 A. Yes.</p> <p>15 Q. And then from 2005 until you left just 16 less than two weeks ago, that was -- you were the 17 only person who reviewed the admissions packets for 18 Napa State Hospital?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever feel like you didn't have 21 enough time to do your job as quickly as it should 22 be done?</p> <p>23 A. I worked hard every day full-time and 24 overtime sometimes.</p> <p>25 Q. Okay. I am just --</p>	<p style="text-align: right;">Page 29</p> <p>1 to read perhaps 500 to 600 pages a day, and then 2 you would be pretty well shot, right?</p> <p>3 A. Yes.</p> <p>4 Q. And then in the course of your work as the 5 direct admissions coordinator, did that reading 6 workload for you, 5- to 600 pages per day, was that 7 pretty consistent?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Did you -- strike that.</p> <p>10 Did Napa State Hospital or the Department 11 of State Hospitals, other than this six-month 12 period in 2005, ever offer to get you any help, for 13 example, hire another direct admissions coordinator 14 or two?</p> <p>15 A. They got me a secretary for quite a few 16 years. So that when I ran out of things like 17 paper, I didn't have to worry about ordering 18 things, and I didn't have to go pick up the ink for 19 my printer, and she did all of those things, kept 20 everything dialed in, which was nice.</p> <p>21 Q. How many years did you have the secretary?</p> <p>22 A. Probably seven or eight years.</p> <p>23 Q. And how many -- strike that.</p> <p>24 When did you -- when did that secretary 25 leave? When was she no longer working with you?</p>



<p style="text-align: right;">Page 30</p> <p>1     <b>A. She left early this year.</b></p> <p>2     Q. Okay. So back in 2016, you had the</p> <p>3     secretary?</p> <p>4     <b>A. Yes.</b></p> <p>5     Q. Did anyone at Napa State Hospital, other</p> <p>6     than hiring you a secretary, did anyone in the</p> <p>7     State hospital or the Department of State Hospitals</p> <p>8     offer to have somebody else working alongside you</p> <p>9     in the same position, for example, hire and train</p> <p>10    another direct admissions coordinator or two direct</p> <p>11    admissions coordinator so you would be able to --</p> <p>12    the whole department would be able to get through</p> <p>13    admissions packets more quickly?</p> <p>14    <b>A. No.</b></p> <p>15    Q. During the entire time that you've been</p> <p>16    the direct admissions coordinator for Napa State</p> <p>17    Hospital, have you always been the only person</p> <p>18    performing that job with the exception of that</p> <p>19    woman who worked for about six months in 2005?</p> <p>20    <b>A. Yes.</b></p> <p>21    Q. How many CCRAs did Napa State Hospital</p> <p>22    have in August of 2016?</p> <p>23    <b>A. I'm trying to think back then. Maybe</b></p> <p>24    <b>about four or five.</b></p> <p>25    Q. And so the delay in approving Dat Luong</p>	<p style="text-align: right;">Page 32</p> <p>1     admissions packet off to the CCRAs, right?</p> <p>2     <b>A. Yes.</b></p> <p>3     Q. And then the delay in actually approving</p> <p>4     him for admission would be something that happens</p> <p>5     with the CCRAs after you passed the packet off to</p> <p>6     them on August 22nd; is that right?</p> <p>7     MS. ADDAMS: Objection. Misstates her</p> <p>8     former testimony.</p> <p>9     <b>THE WITNESS: Yes. It could be a lot of</b></p> <p>10    <b>redacting that needed to be done. Anything can</b></p> <p>11    <b>hold something up. Because we do redact.</b></p> <p>12    BY MS. SHERWIN:</p> <p>13    Q. Now, for Dat Luong you recorded that he</p> <p>14    died in custody.</p> <p>15    Is that something that you always did when</p> <p>16    you learned a patient died in custody while</p> <p>17    awaiting admission to Napa State Hospital?</p> <p>18    <b>A. Yeah. I kind of keep records. That's why</b></p> <p>19    <b>I have the information over there, just what --</b></p> <p>20    <b>just if they don't come, or sometimes if somebody's</b></p> <p>21    <b>canceled, I will put that they were canceled over</b></p> <p>22    <b>there.</b></p> <p>23    Q. Okay. Well, we'll look at another entry</p> <p>24    from the list then.</p> <p>25    (Exhibit 7 was marked for identification.)</p>
<p style="text-align: right;">Page 31</p> <p>1     for admission to Napa State Hospital was basically</p> <p>2     a lack of people who had time to work on the</p> <p>3     paperwork; is that right?</p> <p>4     MS. ADDAMS: Objection. That misstates</p> <p>5     her prior testimony.</p> <p>6     <b>THE WITNESS: People are working</b></p> <p>7     <b>constantly. So, but there is many packets. So,</b></p> <p>8     <b>and they have many other jobs.</b></p> <p>9     BY MS. SHERWIN:</p> <p>10    Q. The CCRAs have many other jobs too?</p> <p>11    <b>A. Yes, they do.</b></p> <p>12    Q. Okay. How long -- back in 2016, how long</p> <p>13    it would typically take you to get a packet to</p> <p>14    review after the packet comes in?</p> <p>15    <b>A. Usually we would start reviewing the same</b></p> <p>16    <b>day.</b></p> <p>17    Q. When you say "we," does that include the</p> <p>18    CCRAs reviewing the packet along with you?</p> <p>19    <b>A. If I could pass it off to them.</b></p> <p>20    Q. Do you make any notation anywhere of when</p> <p>21    you pass the packet off to the CCRAs?</p> <p>22    <b>A. The 22nd would be the date that I passed</b></p> <p>23    <b>it off to them.</b></p> <p>24    Q. Okay. So August 22nd is the date that you</p> <p>25    put Dat Luong on the waiting list and passed his</p>	<p style="text-align: right;">Page 33</p> <p>1     BY MS. SHERWIN:</p> <p>2     Q. Exhibit 7 is the direct admission waiting</p> <p>3     list referring to -- highlighted referring to my</p> <p>4     client Richard Ramirez.</p> <p>5     And you understand that you are a</p> <p>6     defendant in the federal civil rights case that</p> <p>7     Richard's mom filed after Richard committed suicide</p> <p>8     in the Merced County Jail while waiting for</p> <p>9     transfer according to court order to Napa State</p> <p>10    Hospital, right?</p> <p>11    <b>A. Yes.</b></p> <p>12    Q. Okay. So looking at your notation, you</p> <p>13    have Richard Ramirez being -- well, the program has</p> <p>14    said Richard Ramirez was waiting list patient</p> <p>15    No. 6007, right?</p> <p>16    <b>A. Yes.</b></p> <p>17    Q. And his packet was complete, right?</p> <p>18    <b>A. Yes.</b></p> <p>19    Q. And it says that he was approved for</p> <p>20    admission on November 10th of 2014, correct?</p> <p>21    <b>A. Yes.</b></p> <p>22    Q. And you put him on the waiting list on</p> <p>23    October 31st of 2014, right?</p> <p>24    <b>A. Yes.</b></p> <p>25    Q. But there's no indication that Richard was</p>

<p style="text-align: right;">Page 34</p> <p>1 admitted to Napa State Hospital, right?</p> <p>2 <b>A. Right.</b></p> <p>3 Q. And there's also no indication that</p> <p>4 Richard died while in custody, correct?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. Why would you not have written the</p> <p>7 information that Richard Ramirez either committed</p> <p>8 suicide or died in custody on your direct admission</p> <p>9 waiting list?</p> <p>10 <b>A. It probably got by me because I see</b></p> <p>11 <b>No. 6024 I don't have anything for that one either.</b></p> <p>12 <b>So every now and again something does slip past me.</b></p> <p>13 Q. So the fact that Richard Ramirez committed</p> <p>14 suicide while waiting for Napa State Hospital to</p> <p>15 comply with the order to admit him for restorative</p> <p>16 treatment would have slipped by you?</p> <p>17 Is that what you saying?</p> <p>18 <b>A. I'm saying keeping up this list and doing</b></p> <p>19 <b>all my other work, sometimes the list gets put to</b></p> <p>20 <b>the wayside.</b></p> <p>21 Q. Did you ever ask anyone at Napa State</p> <p>22 Hospital or the Department of State Hospitals to</p> <p>23 hire some help, either another direct admissions</p> <p>24 coordinator or some other folks, to review packets?</p> <p>25 <b>A. No.</b></p>	<p style="text-align: right;">Page 36</p> <p>1 <b>spaces would be more of an issue than the packet</b></p> <p>2 <b>getting approved.</b></p> <p>3 BY MS. SHERWIN:</p> <p>4 Q. Well, I understand from the depositions</p> <p>5 last October and November that Napa State Hospital</p> <p>6 and the Department of State Hospitals typically did</p> <p>7 not try to place the patient in a different</p> <p>8 facility -- for example, a psychiatric health</p> <p>9 facility or a public hospital or jail based</p> <p>10 treatment program -- while they were on the waiting</p> <p>11 list.</p> <p>12 Is that correct?</p> <p>13 <b>A. We would try to look for beds in other</b></p> <p>14 <b>hospitals.</b></p> <p>15 Q. Other state hospitals?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. But not outside the Department of State</p> <p>18 Hospitals, correct?</p> <p>19 <b>A. No. And we still don't.</b></p> <p>20 Q. Right. That was going to be my next</p> <p>21 question. So, and, actually, the answer was a</p> <p>22 little vague.</p> <p>23 So is it correct to say that as long as</p> <p>24 you have worked for the Department of State</p> <p>25 Hospitals, that no nobody within the department, as</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Did you ever think it would be helpful to</p> <p>2 have some other folks in the office doing the same</p> <p>3 job that you were doing so that the packets could</p> <p>4 be processed more quickly?</p> <p>5 <b>A. Well, when I had the woman in 2005</b></p> <p>6 <b>helping, it wasn't helpful.</b></p> <p>7 Q. Why not?</p> <p>8 <b>A. She didn't try to learn the job, and</b></p> <p>9 <b>things were messed up when she left.</b></p> <p>10 Q. Okay. Well, she, as you said, hated the</p> <p>11 job and basically walked off the job after six</p> <p>12 months, right?</p> <p>13 <b>A. Right.</b></p> <p>14 Q. Did you ever have any thought that the</p> <p>15 State could hire someone who might not hate the job</p> <p>16 and actually help speed up the review of the</p> <p>17 admissions packets so folks get approved and</p> <p>18 admitted earlier?</p> <p>19 MS. ADDAMS: Objection. Misstates her</p> <p>20 prior testimony.</p> <p>21 <b>THE WITNESS: We can only admit when</b></p> <p>22 <b>there's a bed open. So people were waiting for</b></p> <p>23 <b>beds.</b></p> <p>24 <b>We didn't -- he didn't -- when a bed's</b></p> <p>25 <b>open, we fill the beds, but I think lack of bed</b></p>	<p style="text-align: right;">Page 37</p> <p>1 far as you know, would look for placement, beds for</p> <p>2 placement, for patients outside the Department of</p> <p>3 State Hospitals?</p> <p>4 <b>A. The people are committed to DSH. So, no,</b></p> <p>5 <b>we don't.</b></p> <p>6 Q. Okay. Did you understand that both</p> <p>7 Richard Ramirez and Dat Luong were committed to</p> <p>8 Napa State Hospital or any other appropriate</p> <p>9 hospital?</p> <p>10 <b>A. They're committed to the Department of</b></p> <p>11 <b>State Hospitals.</b></p> <p>12 Q. Do you understand that the Department of</p> <p>13 State Hospitals has the ability to find a placement</p> <p>14 for a patient in either a psychiatric health</p> <p>15 facility or an LPS certified jail or public or</p> <p>16 private hospital that's not a Department of State</p> <p>17 Hospitals hospital?</p> <p>18 <b>A. LPS is for an LPS patient. They are not</b></p> <p>19 <b>LPS.</b></p> <p>20 Q. Well, some of the patients are LPS</p> <p>21 patients, right?</p> <p>22 <b>A. Mr. Ramirez is definitely not.</b></p> <p>23 Q. Well, an LPS patient is somebody who,</p> <p>24 because of their mental illness, is either a danger</p> <p>25 to themselves or others or gravely disabled.</p>



<p style="text-align: right;">Page 38</p> <p>1           You understand that as a registered nurse, 2 right? 3       <b>A. I do understand that, but he is beyond --</b> 4 <b>Mr. Ramirez was committed to the Department of</b> 5 <b>State Hospitals. So he wouldn't go to an LPS</b> 6 <b>facility.</b> 7       Q. And as long as you've worked -- in the 8 over 40 years that you've work for the Department 9 of State Hospitals, is it correct that the 10 Department of State Hospitals has never attempted 11 to place a patient who's on a waiting list for 12 admission to the state hospital in either an LPS 13 facility, a jail based treatment program that is 14 lapses certified, or a public or private 15 psychiatric hospital that is not one of the DSH 16 facilities; is that correct? 17       <b>A. That's correct.</b> 18       Q. And I understood from the depositions last 19 October and November that the Department of State 20 Hospitals and Napa State Hospital do not review the 21 psychiatric acuity of every patient the courts 22 commit to the hospital. 23       Is that correct? 24       <b>A. What do you mean by that?</b> 25       Q. Okay. Well, is it correct that neither</p>	<p style="text-align: right;">Page 40</p> <p>1       <b>A. Yes.</b> 2       Q. But there's never been any requirement 3 during the over 40 years that you have worked for 4 the Department of State Hospitals that some 5 qualified medical or healthcare professional review 6 every patient's medical records substantively for 7 psychiatric acuity; is that correct? 8       <b>A. We do it every day. We review it. I</b> 9 <b>review it.</b> 10       Q. Right. 11       <b>A. The admission suite nurse reviews it. If</b> 12 <b>we see something, yes, we do call the jail.</b> 13       Q. All right. But I understood from the 14 testimony in the Atayde case that a psychiatric 15 acuity review is something that gets prompted when 16 the jail medical or mental health provider requests 17 the Department of State Hospitals to do a 18 psychiatric acuity review, and then Dr. Tyler, the 19 medical director, will review the patient's medical 20 records. 21       Is that right? 22       <b>A. She can.</b> 23       Q. Then the person who does the psychiatric 24 acuity review and makes the determination about the 25 patient's psychiatric acuity is the medical</p>
<p style="text-align: right;">Page 39</p> <p>1 the Department of State Hospitals nor Napa State 2 Hospital do a psychiatric acuity review on the 3 patient before putting them on the waiting list? 4       <b>A. We have medical records before they go on</b> 5 <b>the waiting list. So if anything sticks out in</b> 6 <b>those medical records that call to us to ask the</b> 7 <b>jail for further information, we do call the jail.</b> 8       Q. Okay. And you say if anything sticks out, 9 that would be anything that sticks out to you, 10 correct? 11       <b>A. To me, to a nurse in the admissions suite,</b> 12 <b>because they also read through that medical</b> 13 <b>information.</b> 14       Usually -- sometimes, to me, I'll read 15 something and think: Wow, this person needs to get 16 in a hospital now. 17       And then I'll ask the suite to make a 18 phone call to the jail to see if they are suicidal 19 right now or if things have changed or how the 20 person's doing now, right that moment. 21       Q. Okay. And that's just something that 22 might jump out at you while you are doing a review 23 to see if the packet is complete, right? 24       <b>A. And the medical that they sent with it.</b> 25       Q. Right.</p>	<p style="text-align: right;">Page 41</p> <p>1 director of Napa State Hospital who is currently 2 Dr. Tyler, right? 3       <b>A. She'll say whether they can come.</b> 4       Q. Right. And it is her job to determine 5 whether or not the patient is psychiatrically 6 acute, correct? 7       <b>A. Yes.</b> 8       Q. Okay. So is it correct, is my 9 understanding correct, that during the entire time 10 you worked for the Department of State Hospitals, 11 there had not been an automatic psychiatric acuity 12 review of every patient? 13       <b>A. By Dr. Tyler?</b> 14       Q. By any physician. 15       <b>A. That's correct.</b> 16       Q. You might notice in your review of the 17 packet, when you are determining whether it's 18 complete or not, that the patient seems to have 19 serious psychiatric problems that would require 20 their immediate admission, right? 21       <b>A. Right.</b> 22       Q. And then sometimes you might not notice 23 that, correct? 24       <b>A. Could be.</b> 25       Q. During the entire time that you have</p>

<p style="text-align: right;">Page 42</p> <p>1 worked for the Department of State Hospitals, has</p> <p>2 there ever been any discussion within the</p> <p>3 department that you are aware of about doing a</p> <p>4 psychiatric acuity review on every patient who has</p> <p>5 been ordered committed to the state hospital before</p> <p>6 the patient gets put on the waiting list?</p> <p>7 <b>A. No.</b></p> <p>8 Q. During the entire time you have worked for</p> <p>9 the Department of State Hospitals, has there ever</p> <p>10 been any discussion that you are aware of of the</p> <p>11 Department of State Hospitals informing the court,</p> <p>12 the committee court, the district attorney, or</p> <p>13 criminal defense attorney about the delay that</p> <p>14 patient will have to endure before being admitted</p> <p>15 to the state hospital?</p> <p>16 <b>A. They go to court all the time to advise</b></p> <p>17 <b>them of the delay.</b></p> <p>18 Q. Who is "they"?</p> <p>19 <b>A. The lawyers for DSH do show up in court.</b></p> <p>20 Q. Okay. Do they show up in court in</p> <p>21 response to an order to show cause why the</p> <p>22 Department of State Hospitals should not be held in</p> <p>23 contempt?</p> <p>24 <b>A. Or transfer orders or just the court</b></p> <p>25 <b>wanting some advisement, they will show up.</b></p>	<p style="text-align: right;">Page 44</p> <p>1 BY MS. SHERWIN:</p> <p>2 Q. Exhibit 8 is a portion of your direct</p> <p>3 admission waiting list, and I have highlighted</p> <p>4 patient No. 4952, and he was placed on the waiting</p> <p>5 list on August 1st of 2013; is that correct?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. And he was approved for admission to the</p> <p>8 hospital on August 28th of 2013, correct?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And then it says, quote, "admitted," end</p> <p>11 quote, July 13th of 2014; is that right?</p> <p>12 <b>A. June 13th.</b></p> <p>13 Q. I'm sorry. June 13th, 2014.</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. But you also note that he was deceased per</p> <p>16 the court. What does that mean?</p> <p>17 <b>A. The court told us he had died.</b></p> <p>18 Q. And so that June 13th, 2014, date would</p> <p>19 be, like with Dat Luong, the day that you were</p> <p>20 informed that patient No. 4952 died, right?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. It does not mean that he was actually</p> <p>23 admitted to the hospital, correct?</p> <p>24 <b>A. That's correct.</b></p> <p>25 Q. So that patient had to wait over eight and</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. I understand from your testimony last</p> <p>2 October that the current waiting time back then for</p> <p>3 a patient who is ordered committed to Napa State</p> <p>4 Hospital was about 60 to 90 days.</p> <p>5 Is that correct?</p> <p>6 <b>A. It was at that time, yes.</b></p> <p>7 Q. And what is the current wait time as of</p> <p>8 May of 2019, when you left?</p> <p>9 <b>A. Probably about 60 days.</b></p> <p>10 Q. And that's an estimate that you're making</p> <p>11 just based on your work experience with Napa State</p> <p>12 Hospital, correct?</p> <p>13 <b>A. When I left, we were at about 60 days.</b></p> <p>14 Q. Were there any documents kept by Napa</p> <p>15 State Hospital during the time you actively worked</p> <p>16 there in which the hospital or Department of State</p> <p>17 Hospitals kept track of how long a patient was</p> <p>18 going to have to wait on average?</p> <p>19 <b>A. There probably are, but it is not</b></p> <p>20 <b>something -- it would be above me. I don't keep</b></p> <p>21 <b>that stuff.</b></p> <p>22 MS. SHERWIN: We will mark this as the</p> <p>23 next exhibit in line.</p> <p>24 (Exhibit 8 was marked for identification.)</p> <p>25 ///</p>	<p style="text-align: right;">Page 45</p> <p>1 a half months on the waiting list before he died in</p> <p>2 custody, right?</p> <p>3 MS. ADDAMS: Objection. That misstates</p> <p>4 her testimony.</p> <p>5 <b>THE WITNESS: I'm not sure if he was in</b></p> <p>6 <b>custody or not.</b></p> <p>7 BY MS. SHERWIN:</p> <p>8 Q. Okay. Well, he had to wait over eight and</p> <p>9 a half months on the waiting list before he died,</p> <p>10 right?</p> <p>11 <b>A. That's correct.</b></p> <p>12 Q. Let's look at the next exhibit.</p> <p>13 (Exhibit 9 was marked for identification.)</p> <p>14 BY MS. SHERWIN:</p> <p>15 Q. Okay. On Exhibit 9 we have highlighted</p> <p>16 patient No. 3150, and he was placed on the waiting</p> <p>17 list on February 16th of 2011, right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. He was approved for admission on</p> <p>20 February 18th of 2011, correct?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. And then you were informed on</p> <p>23 February 24th of 2011 that he died, right?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And both patient No. 4952 and patient 3150</p>



<p style="text-align: right;">Page 46</p> <p>1 that we've just discussed are folks who died while 2 waiting for admission to Napa State Hospital, 3 right?</p> <p>4 <b>A. Yes.</b></p> <p>5 (Exhibit 10 was marked for identification.)</p> <p>6 BY MS. SHERWIN:</p> <p>7 Q. Now, looking at Exhibit 10, I have 8 highlighted patient No. 4636 who also died while 9 waiting for admission to Napa State Hospital; is 10 that correct?</p> <p>11 <b>A. Yes.</b></p> <p>12 MS. ADDAMS: Objection. That misstates 13 the prior testimony.</p> <p>14 BY MS. SHERWIN:</p> <p>15 Q. And you put this patient on the waiting 16 list on March 22nd of 2013, right?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And then he was not approved for admission 19 until September 16th of 2014, correct?</p> <p>20 <b>A. Yeah. I think he may have been out of</b> 21 <b>custody.</b></p> <p>22 Q. Okay. Do you have a specific memory of 23 this patient No. 4636 from March and October -- 24 March of 2013 and October and September of 2014?</p> <p>25 <b>A. I don't think we were sure that he was</b></p>	<p style="text-align: right;">Page 48</p> <p>1 <b>A. I do not remember that, but he wasn't in</b> 2 <b>good shape, and he was elderly, and he wasn't in</b> 3 <b>very good shape, and we weren't sure if he was</b> 4 <b>going to come.</b></p> <p>5 <b>And when we finally did get the packet</b> 6 <b>together, we finally got them to send us stuff.</b> 7 <b>Then he died before he got here.</b></p> <p>8 Q. Okay. The hospital would have approved 9 him after they received the packet, right?</p> <p>10 <b>A. Yeah. But it took us -- we didn't approve</b> 11 <b>the packet until a year later.</b></p> <p>12 Q. Actually, almost a year and a half later?</p> <p>13 <b>A. Yes. Because we couldn't get the</b> 14 <b>information.</b></p> <p>15 Q. Okay. But by the time that patient 16 No. 4636 was approved on September 16th of 2014, 17 his packet was complete, right?</p> <p>18 <b>A. Right.</b></p> <p>19 Q. And then you were informed that he died 20 while awaiting admission to Napa State Hospital 21 on --</p> <p>22 <b>A. This man was in a hospital --</b></p> <p>23 Q. Excuse me, ma'am. I'm sorry. You need to 24 let me get the question into the record. Okay? 25 So you approved him for admission on</p>
<p style="text-align: right;">Page 47</p> <p>1 <b>coming, actually. Orange County is not a county</b> 2 <b>that we normally serve. So we were doing somebody</b> 3 <b>else a favor.</b></p> <p>4 Q. Do you have a specific recollection of 5 that patient No. 4636?</p> <p>6 <b>A. He wasn't in custody.</b></p> <p>7 Q. How do you know he wasn't in custody?</p> <p>8 <b>A. I remember this case.</b></p> <p>9 Q. Do you remember -- well, strike that. 10 You did not remember the Richard Ramirez 11 case when I took your deposition last October, did 12 you?</p> <p>13 <b>A. This guy was out of custody, this man</b> 14 <b>here.</b></p> <p>15 Q. Okay. Why did it take almost a year and a 16 half to approve him for admission to the hospital?</p> <p>17 <b>A. Do you see where it says "complete" in A?</b></p> <p>18 Q. Yes. I see that.</p> <p>19 <b>A. And it says "no"?</b></p> <p>20 Q. I see that.</p> <p>21 <b>A. Okay. It wasn't complete. The packet was</b> 22 <b>not complete. We couldn't get a complete packet.</b> 23 <b>He was out of custody, and then we weren't sure if</b> 24 <b>he was going to come. He was elderly.</b></p> <p>25 Q. How old was he?</p>	<p style="text-align: right;">Page 49</p> <p>1 September 16th, 2014, and then were informed that 2 he died while awaiting transfer to Napa State 3 Hospital on October 6th of 2014; is that correct?</p> <p>4 <b>A. No. He was in a hospital; therefore, we</b> 5 <b>had the bed. He could not come, and he died in a</b> 6 <b>hospital.</b></p> <p>7 Q. When did you have the bed available for 8 him?</p> <p>9 <b>A. Before he could come.</b></p> <p>10 <b>The packet was approved. We couldn't get</b> 11 <b>him, and then he was in a hospital, and he died in</b> 12 <b>a hospital. He was elderly, and this is probably a</b> 13 <b>case where this man should have never been referred</b> 14 <b>to us because he was old and not the kind of work</b> 15 <b>we do at the state hospital.</b></p> <p>16 MS. SHERWIN: Okay. We will look at the 17 next exhibit in line.</p> <p>18 (Exhibit 11 was marked for identification.)</p> <p>19 BY MS. SHERWIN:</p> <p>20 Q. And I have highlighted for you patient 21 No. 980 who you placed him on the waiting list on 22 June 7th of 2006, correct?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And he was ordered committed to Napa State 25 Hospital by the Sacramento County Superior Court,</p>

<p style="text-align: right;">Page 50</p> <p>1 correct?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. You also -- strike that.</p> <p>4 The Napa State Hospital also approved him</p> <p>5 for admission and admitted him on June 7th of 2006,</p> <p>6 correct?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Why would Napa State Hospital have</p> <p>9 approved patient No. 980 and admitted him on the</p> <p>10 same date?</p> <p>11 <b>A. I can't remember that case.</b></p> <p>12 Q. Okay. I notice on your direct admission</p> <p>13 waiting list there were a lot of patients from</p> <p>14 Sacramento who were ordered admitted by Sacramento</p> <p>15 Superior Court who were admitted on the same day</p> <p>16 their packet was approved.</p> <p>17 Do you know why that is?</p> <p>18 <b>A. Back in, I think, '05 and '06 -- I'm not</b></p> <p>19 <b>sure of the years, really, it has been so long</b></p> <p>20 <b>ago -- Sacramento used to just drop people off, and</b></p> <p>21 <b>they were admitted the same day.</b></p> <p>22 <b>And I'm not sure -- there was some</b></p> <p>23 <b>agreement with DSH, and I'm not sure when that</b></p> <p>24 <b>ended or how long it went on for.</b></p> <p>25 Q. Do you recall if the practice of</p>	<p style="text-align: right;">Page 52</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And then you have in your information</p> <p>3 section that this patient made two suicide attempts</p> <p>4 in jail, right?</p> <p>5 <b>A. I don't know where they were made, but</b></p> <p>6 <b>yes.</b></p> <p>7 Q. Well, if you look at the next page of that</p> <p>8 exhibit, it says "in jail," right?</p> <p>9 <b>A. Oh, okay. Yes.</b></p> <p>10 Q. Where would you have gotten the</p> <p>11 information that this patient made two suicide</p> <p>12 attempts in jail?</p> <p>13 <b>A. From the jail.</b></p> <p>14 Q. Okay. And would you have been the person</p> <p>15 that decided that this patient required priority</p> <p>16 admission?</p> <p>17 <b>A. Well, I would have probably -- I am just</b></p> <p>18 <b>guessing now because this was 2009.</b></p> <p>19 <b>I would have probably called Diane at the</b></p> <p>20 <b>suite and asked her to -- could he come.</b></p> <p>21 Q. When you say Diane, you're talking about</p> <p>22 Diane Mond?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And you are not guessing. You are just</p> <p>25 basing your testimony on your practice, correct?</p>
<p style="text-align: right;">Page 51</p> <p>1 Sacramento dropping people off at Napa State</p> <p>2 Hospital and them being admitted the same day was</p> <p>3 something that went on for years?</p> <p>4 <b>A. I don't think it went on for years, but at</b></p> <p>5 <b>least a year.</b></p> <p>6 Q. Well, it looked to me like there were a</p> <p>7 lot of folks admitted from Sacramento on the same</p> <p>8 day that they were approved until about June of</p> <p>9 2012 when I reviewed your direct admission waiting</p> <p>10 list.</p> <p>11 <b>A. Really? Okay.</b></p> <p>12 Q. But people admitted on the same day as</p> <p>13 their packet being approved from Sacramento was</p> <p>14 because Sacramento County would drop the patient</p> <p>15 off directly at Napa State Hospital; is that right?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Let's look at the next exhibit.</p> <p>18 (Exhibit 12 was marked for identification.)</p> <p>19 BY MS. SHERWIN:</p> <p>20 Q. In this exhibit I have highlighted patient</p> <p>21 2159 who was placed on the waiting list and</p> <p>22 approved for admission on May 28th of 2009, right?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And then he was admitted just five days</p> <p>25 later, on June 2nd of 2009, correct?</p>	<p style="text-align: right;">Page 53</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. So this is a patient, as you discussed</p> <p>3 earlier, who may have jumped out at you when you</p> <p>4 reviewed his records and the fact that he had made</p> <p>5 two suicide attempts in the jail meant that he</p> <p>6 really needed to get to Napa State Hospital on a</p> <p>7 priority basis, right?</p> <p>8 <b>A. Yes.</b></p> <p>9 MS. SHERWIN: Okay. We will take a quick</p> <p>10 break for our court reporter.</p> <p>11 THE VIDEOGRAPHER: This marks the end of</p> <p>12 DVD one to the deposition of Dana White. The time</p> <p>13 is now 11:20 a.m. We are going off the record.</p> <p>14 (Recess taken)</p> <p>15 THE VIDEOGRAPHER: We are now going on the</p> <p>16 record. This marks beginning of DVD two in the</p> <p>17 deposition of Dana White, and the time is</p> <p>18 11:30 a.m.</p> <p>19 MS. SHERWIN: This is the last example</p> <p>20 from your waiting list that I want to ask you</p> <p>21 about.</p> <p>22 (Exhibit 13 was marked for identification.)</p> <p>23 BY MS. SHERWIN:</p> <p>24 Q. On Exhibit 13, we have highlighted</p> <p>25 information regarding two patients, both of whom</p>



<p style="text-align: right;">Page 54</p> <p>1 have a notation with their numbers of, quote, "high 2 SRA," end quote. 3 If you look at the second page, I've 4 highlighted that. 5 Does that refer to the person being a high 6 suicide assessment? 7 <b>A. No.</b> 8 Q. What is the high SRA? 9 <b>A. Security.</b> 10 Q. Oh, okay. Security risk assessment. 11 So that means that the person cannot go to 12 a Metropolitan State Hospital? 13 <b>A. And they couldn't stay at Napa it means.</b> 14 Q. So they would have to go to either 15 Atascadero or Patton? 16 <b>A. When that happens, we always send it to</b> 17 <b>Atascadero.</b> 18 Q. Are the patients who are a high security 19 risk assessment patients who can go to Patton, and 20 you just always send them to Atascadero? 21 <b>A. If they are male, we send them to</b> 22 <b>Atascadero. If they are female, we send them to</b> 23 <b>Patton.</b> 24 Q. What makes a patient a high security risk 25 assessment?</p>	<p style="text-align: right;">Page 56</p> <p>1 jails? 2 <b>A. No. They are under DSH, but there is</b> 3 <b>employees at the jails that do that work.</b> 4 Q. So the restoration of competency treatment 5 is done exclusively within the jail, but the 6 patient is still in the custody of the Department 7 of State Hospitals; is that right? 8 <b>A. I think so. I don't quite understand it,</b> 9 <b>but I think that most of the jail based treatment</b> 10 <b>centers are under DSH. They also have AES, and</b> 11 <b>there's a few different ones, but they are all</b> 12 <b>under DSH now.</b> 13 Q. And the DSH being Department of State 14 Hospitals? 15 <b>A. Yes.</b> 16 Q. We will take a look at the next exhibit in 17 line. 18 (Exhibit 14 was marked for identification.) 19 BY MS. SHERWIN: 20 Q. This is a document we discussed at your 21 deposition in the Atayde case, which is a list of 22 jail treatment facilities that was provided by the 23 State of California on its correctional healthcare 24 web site. 25 As you sit here today, do you know which</p>
<p style="text-align: right;">Page 55</p> <p>1 <b>A. Escape from anywhere locked.</b> 2 Q. So that could even be from a locked 3 psychiatric facility, right? 4 <b>A. Yes. It could be escape from custody.</b> 5 Q. And then for each of these patients, you 6 note in the "information" section, it says: 7 "Mailed to ASH." 8 The packet was mailed to Atascadero State 9 Hospital; is that right? 10 <b>A. Yes.</b> 11 Q. Then I noted in your direct admissions 12 waiting lists that starting in about 2016 you have 13 notations for patients being sent to JBCT. 14 What does that refer to? 15 <b>A. Jail based competency treatment.</b> 16 Q. When did Napa State Hospital start sending 17 people to jail based competency treatment? 18 <b>A. I think around that time.</b> 19 Q. Around 2016? 20 <b>A. Yes.</b> 21 Q. What is jail based competency treatment? 22 <b>A. The jails have 90-day treatment centers</b> 23 <b>for people they think can get competent in 90 days.</b> 24 Q. And does the Department of State Hospitals 25 oversee that treatment that's provided in the</p>	<p style="text-align: right;">Page 57</p> <p>1 counties have jail based competency treatment? 2 <b>A. Kern. It's called AES.</b> 3 Q. What does AES stand for? 4 <b>A. I'm not sure.</b> 5 Q. Okay. So that Kern County has a jail 6 based treatment facility? 7 <b>A. Small one.</b> 8 Q. Okay. 9 <b>A. Kern is a small county.</b> 10 <b>Sacramento, you have that one. Sonoma has</b> 11 <b>one. Stanislaus has one.</b> 12 Q. Does Los Angeles County have a jail based 13 treatment facility? 14 <b>A. I think they do. I don't deal much with</b> 15 <b>L. A. because it's not a county we serve as a rule.</b> 16 <b>Every now and again we will take somebody as a</b> 17 <b>favor because they need to get up here to be near</b> 18 <b>family or some other such thing. They need a SNF</b> 19 <b>bed, we'll take them.</b> 20 Q. What's a SNF bed? 21 <b>A. Skilled nursing.</b> 22 Q. Oh, I see. 23 It looks like, at least on your waiting 24 list, that Napa State Hospital started sending 25 people to jail based treatment, competency</p>

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1 treatment programs, in about February of 2016.  
 2 When you started sending folks to jail  
 3 based competency treatment programs, what counties  
 4 were available to you to send people to?

5 A. They had one jail based treatment center  
 6 in Sac and one in San Bernardino. Those were the  
 7 first -- Sac was the first one to start.

8 Q. Sacramento?

9 A. Yes.

10 Q. Okay.

11 A. San Bernardino started the next one, and  
 12 it's been slow starting the others.

13 Q. Do you know whether or not the Department  
 14 of State Hospitals has had any role in starting  
 15 those jail based competency treatment programs?

16 A. I think they do have a role in it. I'm  
 17 not sure about that though.

18 Q. Does Santa Clara County have a jail based  
 19 competency treatment program?

20 A. I don't think they do.

21 Q. What was your role with respect to finding  
 22 folks placement within a jail based competency  
 23 treatment program once the State hospital started  
 24 doing that?

25 A. I'd talk to them and see if they needed

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1 patients and see if they could take people back and  
 2 forth.

3 Q. Okay. When did you start doing that?

4 A. In 2016.

5 Q. How often would you talk to the jail based  
 6 competency treatment program to see if they could  
 7 take patients?

8 A. We talk briefly.

9 Q. How would --

10 A. Just over the -- you know, we either call  
 11 back and forth. We talk.

12 Q. Who would you call?

13 A. The people at the -- I think it was Sylvia  
 14 Costa in Sac, and I forget the woman's name in  
 15 San Bernardino. I don't think she is there anymore  
 16 now, but, you know, if they needed patients.

17 And it's a fine balancing act. Can they  
 18 get them in quicker than we can, or they only  
 19 want -- it was hard for me to figure out their  
 20 criteria for admission because they have a  
 21 different criteria than we have.

22 Q. Did you ever see admission criteria in  
 23 writing from any jail based competency treatment  
 24 program?

25 A. They were just starting up, and nobody

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1 really wanted to share that. It was kind of  
 2 strange.

3 Q. Did you ask for admissions criteria from  
 4 these counties, and they refused to give it to you?

5 A. Absolutely. They just talked around it.  
 6 They said it is still in the works. We would hear  
 7 that kind of thing from them.

8 I know they don't want -- I know what they  
 9 don't want though: Anybody too violent, anybody  
 10 that's acted out in the jail setting, anybody that  
 11 has an intellectual disability, anybody that has  
 12 too many medical problems, and anybody they feel  
 13 cannot get competent in 90 days.

14 Q. Did you have any written guidance from the  
 15 State of California about when you should look for  
 16 jail based competency treatment for a patient?

17 A. No. It was all brand-new.

18 Q. That was something that you did on your  
 19 own?

20 A. Well, it was kind of part of my job to  
 21 look for a bed and see if somebody could get in  
 22 sooner, or did they have open space in Sac. I just  
 23 tried to do my best there.

24 Q. Okay. But there wasn't any written  
 25 policies or procedures or guidelines provided to

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1 you by anyone within the State of California about  
 2 when you should look for jail based competency  
 3 treatment for a patient who's on the waiting list?

4 A. No.

5 Q. That's correct?

6 A. That's correct.

7 Q. That's been the case from the time jail  
 8 based competency treatment first started until you  
 9 stopped being actively employed on the job a couple  
 10 weeks ago; is that correct?

11 A. No.

12 Q. That's not correct?

13 A. That's not correct.

14 Q. Okay. When did you receive any policies,  
 15 procedures, or guidelines in writing about when you  
 16 should try to find jail based competency treatment  
 17 for a patient?

18 A. About -- let's see. When was this -- 19  
 19 or 2000 -- probably sometime in 2017 maybe, late  
 20 2017, they have the patient management unit up in  
 21 Sacramento, and they kind of sift off who goes to  
 22 the jail based treatment and who goes to the state  
 23 hospital now. They took that over.

24 Q. Okay. And what information do you provide  
 25 to the patient management unit in Sacramento?



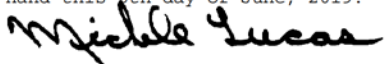
<p style="text-align: right;">Page 62</p> <p>1     <b>A. I don't.</b></p> <p>2     Q. Do you know what information they get</p> <p>3 before they decide who to sift off to jail based --</p> <p>4     <b>A. No.</b></p> <p>5     Q. -- competency treatment?</p> <p>6     <b>A. I am not involved in that.</b></p> <p>7     Q. Do you know by profession what types of</p> <p>8 people are doing that sifting off? So, for</p> <p>9 example, registered nurses or psychologists or</p> <p>10 psychiatrists?</p> <p>11     <b>A. They are mostly analysts.</b></p> <p>12     Q. And that would be people like CCRAs?</p> <p>13     <b>A. No. They're SSAs.</b></p> <p>14     Q. What is that?</p> <p>15     <b>A. I don't know. It's some -- it's just an</b></p> <p>16 <b>analyst. I'm not sure what that really stands for,</b></p> <p>17 <b>but it is some state classification. They are</b></p> <p>18 <b>called SSAs.</b></p> <p>19     Q. So beginning in late 2017, there have been</p> <p>20 some analysts in the case management unit in</p> <p>21 Sacramento who would decide who goes to a jail</p> <p>22 based competency treatment program, right?</p> <p>23     <b>A. Yes.</b></p> <p>24     Q. But as far as you are aware, there is</p> <p>25 still no consideration about whether the patient</p>	<p style="text-align: right;">Page 64</p> <p>1 on October 11th of 2016?</p> <p>2     <b>A. No. Not until I just saw it. No.</b></p> <p>3     Q. Okay. And then you forwarded the e-mail</p> <p>4 to someone within the Department of State</p> <p>5 Hospitals.</p> <p>6     Who did you -- with a notation: "This is</p> <p>7 the e-mail I received yesterday."</p> <p>8     Who did you forward the e-mail to?</p> <p>9     <b>A. I think he's a lawyer.</b></p> <p>10     Q. Do you know why you were forwarding</p> <p>11 Ms. Darvison's e-mail to him?</p> <p>12     <b>A. He must have been a -- I don't know why.</b></p> <p>13     Q. Do you know who Robert du Ruyter is? I</p> <p>14 probably mispronounced his name.</p> <p>15     <b>A. He is a lawyer at DSH, or he was. I guess</b></p> <p>16 <b>he is still up there.</b></p> <p>17     Q. Was Sandra Darvison your contact person at</p> <p>18 the Alameda County Sheriff's Office for patients</p> <p>19 who were ordered by Alameda County courts to be</p> <p>20 transferred to Napa State Hospital?</p> <p>21     <b>A. Yes.</b></p> <p>22     Q. How long was she your contact person?</p> <p>23     <b>A. Always.</b></p> <p>24     Q. During the entire time you were the direct</p> <p>25 admissions coordinator?</p>
<p style="text-align: right;">Page 63</p> <p>1 should go someplace such as a public or private</p> <p>2 hospital that is not a DSH facility; is that</p> <p>3 correct?</p> <p>4     <b>A. That's correct.</b></p> <p>5     Q. Back in October of 2016, what hours did</p> <p>6 you typically work?</p> <p>7     <b>A. I don't know. 6:30 to 3:00 maybe.</b></p> <p>8     Q. What hours did you work when you left your</p> <p>9 active employment with the department?</p> <p>10     <b>A. About that same kind of hours.</b></p> <p>11     Q. Was that Monday through Friday?</p> <p>12     <b>A. Yes.</b></p> <p>13     MS. SHERWIN: Okay. We will mark this as</p> <p>14 the next in line.</p> <p>15     (Exhibit 15 was marked for identification.)</p> <p>16 BY MS. SHERWIN:</p> <p>17     Q. Exhibit 15 is some e-mail correspondence</p> <p>18 that we received from Department of State</p> <p>19 Hospitals, Bates stamped page 54 that shows e-mail</p> <p>20 from Sandra Darvison with the Alameda County</p> <p>21 Sheriffs Office to you and then you forwarding the</p> <p>22 e-mail to someone within the Department of State</p> <p>23 Hospitals.</p> <p>24     Do you recall receiving this e-mail from</p> <p>25 Ms. Darvison informing you that Dat Luong had died</p>	<p style="text-align: right;">Page 65</p> <p>1     <b>A. Yes.</b></p> <p>2     Q. After Dat Luong's death, as far as you</p> <p>3 know, did the Department of State Hospitals conduct</p> <p>4 any internal investigation about what role it may</p> <p>5 have had in his death?</p> <p>6     <b>A. I don't know.</b></p> <p>7     Q. Did anyone talk to you, anyone from the</p> <p>8 Department of State Hospitals, talk to you about</p> <p>9 Dat Luong after he died?</p> <p>10     <b>A. I don't think so.</b></p> <p>11     Q. Did anyone ask you to give any statement</p> <p>12 about Napa State Hospital's involvement in Dat</p> <p>13 Luong's case before he died?</p> <p>14     <b>A. No.</b></p> <p>15     MS. SHERWIN: Let's mark this next in</p> <p>16 line.</p> <p>17     (Exhibit 16 was marked for identification.)</p> <p>18 BY MS. SHERWIN:</p> <p>19     Q. Exhibit 16 is an e-mail correspondence</p> <p>20 between you and Sandra Darvison at the Alameda</p> <p>21 County Sheriffs Office dated July 11th, 2017, and</p> <p>22 bearing a Bates stamp No. DSH 59.</p> <p>23     So on July 11th, Ms. Darvison asked you if</p> <p>24 you had any paperwork on Dat Luong who was killed</p> <p>25 on October 11th, right?</p>

<p style="text-align: right;">Page 66</p> <p>1       <b>A. Yes.</b></p> <p>2       Q. And she wanted to see if you had any</p> <p>3 paperwork regarding his commitment and the order to</p> <p>4 transport him to you, right?</p> <p>5       <b>A. Right.</b></p> <p>6       Q. And then what was your response to</p> <p>7 Ms. Darvison in your e-mail?</p> <p>8       <b>A. That we don't keep records when somebody</b></p> <p>9 <b>isn't coming to us.</b></p> <p>10      Q. You told her you don't have anything</p> <p>11 because, quote: "We don't keep records when</p> <p>12 somebody isn't coming to us," end quote, correct?</p> <p>13      <b>A. Yes.</b></p> <p>14      Q. When you said "we don't keep records," who</p> <p>15 were you referring to?</p> <p>16      <b>A. In my office.</b></p> <p>17      Q. What do you do with the records on people</p> <p>18 who are not coming to Napa State Hospital?</p> <p>19      <b>A. It goes into the confidential shredding.</b></p> <p>20      Q. Do you have confidential shredding in your</p> <p>21 office?</p> <p>22      <b>A. Yes. It's picked up, but there's a blue</b></p> <p>23 <b>bin in there.</b></p> <p>24      Q. How long after you learn that the person</p> <p>25 is not coming to Napa State Hospital do you shred</p>	<p style="text-align: right;">Page 68</p> <p>1      care of the records in medical records, and that is</p> <p>2 their job, their sole job, and they are up on all</p> <p>3 the records maintenance.</p> <p>4       And they keep all the records there, and</p> <p>5 when people want records from a former visit to the</p> <p>6 hospital or any kind of release of records on</p> <p>7 somebody that's been there or is there, they know</p> <p>8 how to legally release records.</p> <p>9       Q. Has anyone within the State of California</p> <p>10 ever provided you with any training about any legal</p> <p>11 requirements with respect to maintenance of medical</p> <p>12 records on patients regardless of whether or not</p> <p>13 they are actually admitted to the hospital?</p> <p>14      <b>A. We have confidential and HIPAA training.</b></p> <p>15      Q. And have you received any training about</p> <p>16 any legal requirements for maintaining records on a</p> <p>17 patient who hasn't come to Napa State Hospital, for</p> <p>18 example, Dat Luong who was killed before he arrived</p> <p>19 at the hospital?</p> <p>20      <b>A. No.</b></p> <p>21      Q. Has anyone within the State of California</p> <p>22 instructed you to destroy records on patients once</p> <p>23 you learn they are not coming to Napa State</p> <p>24 Hospital?</p> <p>25      <b>A. If their case is dropped or vacated, the</b></p>
<p style="text-align: right;">Page 67</p> <p>1      that person's records?</p> <p>2      <b>A. I dump it immediately. They are not</b></p> <p>3 <b>coming.</b></p> <p>4      Q. So when you learned on October 11th of</p> <p>5 2016 that Dat Luong had been killed in Alameda</p> <p>6 County Jail, you shredded the records regarding</p> <p>7 him; is that correct?</p> <p>8      <b>A. Yes. I didn't shred them, but I did get</b></p> <p>9 <b>rid of them.</b></p> <p>10     Q. You dumped them in the confidential</p> <p>11 shredding bin?</p> <p>12     <b>A. Yes.</b></p> <p>13     Q. On the same day that you learned that he</p> <p>14 had been killed, correct?</p> <p>15     <b>A. Yes.</b></p> <p>16     Q. Does the Department of State Hospitals</p> <p>17 have any written policies, procedures, or</p> <p>18 guidelines for maintenance of records?</p> <p>19     <b>A. On patients that are admitted, yes.</b></p> <p>20     Q. There are written policies and procedures</p> <p>21 and guidelines on maintaining records on patients</p> <p>22 who are admitted to Napa State Hospital?</p> <p>23     <b>A. Yes, there are.</b></p> <p>24     Q. What do those documents provide?</p> <p>25     <b>A. I'm not sure. We have people that take</b></p>	<p style="text-align: right;">Page 69</p> <p>1      order's vacated, or for any reason somebody doesn't</p> <p>2 come to the state hospital, we do not keep those</p> <p>3 records.</p> <p>4      Q. Okay. And has the State of California or</p> <p>5 any of your supervisors within the State of</p> <p>6 California instructed you that you should destroy</p> <p>7 the records on patients who don't come to the</p> <p>8 hospital?</p> <p>9      <b>A. It's always been our way of doing. I</b></p> <p>10 <b>don't know that they have instructed me, but it's</b></p> <p>11 <b>how we do it.</b></p> <p>12     Q. Okay. So the entire time you've worked</p> <p>13 for the State of California the State has always</p> <p>14 destroyed the records for patients it has been</p> <p>15 ordered to admit pursuant to a commitment order if</p> <p>16 the patient is not admitted -- does not physically</p> <p>17 arrive at the state hospital; is that correct?</p> <p>18       MS. ADDAMS: Objection. Misstates her</p> <p>19 testimony.</p> <p>20       <b>THE WITNESS: If the order is vacated, if</b></p> <p>21 <b>for any reason the patient -- the judge just</b></p> <p>22 <b>changes their mind, or the lawyer changes his mind</b></p> <p>23 <b>about the patient coming, we don't keep that</b></p> <p>24 <b>commitment order in that packet. We have no need</b></p> <p>25 <b>for it because they will not be coming.</b></p>



<p style="text-align: right;">Page 70</p> <p>1 BY MS. SHERWIN:</p> <p>2 Q. Okay. Is it correct -- I just want to</p> <p>3 make sure my understanding is correct. Okay?</p> <p>4 Is it correct that as long as you have</p> <p>5 worked for the State of California the State has</p> <p>6 always destroyed documents relating to patients who</p> <p>7 die in jail custody while they are awaiting</p> <p>8 transfer pursuant to an order of commitment to one</p> <p>9 of the state hospitals?</p> <p>10 MS. ADDAMS: Objection --</p> <p>11 <b>THE WITNESS: I can't --</b></p> <p>12 MS. ADDAMS: Way beyond the scope of what</p> <p>13 this witness would know.</p> <p>14 <b>THE WITNESS: I don't know.</b></p> <p>15 BY MS. SHERWIN:</p> <p>16 Q. Okay. But have you always -- has it</p> <p>17 always been your understanding of the practice as</p> <p>18 long as you have worked at Napa State Hospital that</p> <p>19 you should dump the records into the confidential</p> <p>20 shredding bin for patients who die in custody while</p> <p>21 they are awaiting transfer to a state hospital?</p> <p>22 <b>A. I only keep the record if I am asked to</b></p> <p>23 <b>keep the record. If no one asks me to keep it,</b></p> <p>24 <b>then -- my office is about this big (indicating).</b></p> <p>25 <b>I wouldn't have room to save everything</b></p>	<p style="text-align: right;">Page 72</p> <p>1 Q. And that's been your practice as long as</p> <p>2 you have been the direct admissions coordinator; is</p> <p>3 that right?</p> <p>4 <b>A. Yes. We don't keep those paper copies.</b></p> <p>5 Q. I note from your deposition last fall that</p> <p>6 in July of 2012 your plan was to send all transport</p> <p>7 orders, orders to show cause, and potential orders</p> <p>8 to show cause to other hospital if a deal can't be</p> <p>9 negotiated.</p> <p>10 We discussed that at your deposition. Do</p> <p>11 you recall having that as your intention during</p> <p>12 your employment with the State of California?</p> <p>13 MS. ADDAMS: Objection. Vague and</p> <p>14 ambiguous. If you understand the question.</p> <p>15 <b>THE WITNESS: I don't --</b></p> <p>16 BY MS. SHERWIN:</p> <p>17 Q. I will show you what was marked as</p> <p>18 Exhibit 32 to your deposition in the Atayde case,</p> <p>19 and I am just -- we are not going to mark it here</p> <p>20 because it's a document that you appear to have</p> <p>21 filled out in connection with your own individual</p> <p>22 development.</p> <p>23 But the document says that your plan is</p> <p>24 to: Mail away all packets that can go to Metro.</p> <p>25 Send all transport orders, OSCs, and potential OSCs</p>
<p style="text-align: right;">Page 71</p> <p>1 <b>for everyone that didn't come. So I don't save all</b></p> <p>2 <b>the packets for people that don't come.</b></p> <p>3 Q. Okay. What I am trying to understand,</p> <p>4 Ms. White, is this practice of shredding the</p> <p>5 records when you are informed that the patient died</p> <p>6 in jail custody while they are awaiting Napa State</p> <p>7 Hospital to comply with an order to admit the</p> <p>8 patient for restorative treatment, is this your own</p> <p>9 practice of shredding the records, or is it a</p> <p>10 practice that you have been given by the State of</p> <p>11 Cal or any of your supervisors?</p> <p>12 MS. ADDAMS: Objection. Misstates her</p> <p>13 prior testimony.</p> <p>14 <b>THE WITNESS: I don't know.</b></p> <p>15 BY MS. SHERWIN:</p> <p>16 Q. You don't know one way or the other?</p> <p>17 <b>A. I don't keep records when people aren't</b></p> <p>18 <b>coming. I don't.</b></p> <p>19 Q. Okay. So when you learned that Dat Luong</p> <p>20 died in custody while he was waiting for Napa State</p> <p>21 Hospital to comply with the court order to admit</p> <p>22 him for restoration of competency, you had his</p> <p>23 records dumped in the confidential shredding bin,</p> <p>24 correct?</p> <p>25 <b>A. That's correct.</b></p>	<p style="text-align: right;">Page 73</p> <p>1 to other hospital if a deal can't be negotiated.</p> <p>2 I will just show that to you.</p> <p>3 <b>A. Oh, this is my goal for the year in 2012.</b></p> <p>4 Q. Right.</p> <p>5 <b>A. Okay. Okay.</b></p> <p>6 Q. Okay. And the deal that you were talking</p> <p>7 about was a deal with the judge who ordered the</p> <p>8 patient's commitment to Napa State Hospital, right?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And you would call the judge personally</p> <p>11 and ask the judge if he or she would allow you to</p> <p>12 admit the person later, correct?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. As far as you know, did anyone else within</p> <p>15 the State of California or Department of State</p> <p>16 Hospitals make telephone calls like that to judges</p> <p>17 who have ordered a patient to be committed?</p> <p>18 MS. ADDAMS: Outside the scope of what</p> <p>19 this witness could testify to.</p> <p>20 BY MS. SHERWIN:</p> <p>21 Q. Well, the first sentence -- the first</p> <p>22 beginning of that question is: As far as you know.</p> <p>23 <b>A. I have no idea. I did it regularly. I</b></p> <p>24 <b>don't know if anybody else did it.</b></p> <p>25 Q. Okay. When you say, "I did it regularly,"</p>

<p style="text-align: right;">Page 74</p> <p>1 you regularly would make calls to the judge who 2 ordered a patient committed to Napa State Hospital 3 to see if the judge would make a deal with you to 4 let the patient come in later, correct? 5 <b>A. Yeah. Maybe by a day or two if we 6 couldn't meet the date of the OSC.</b> 7 Q. Did you let anyone within the State of 8 California know that you were making these calls to 9 judges? 10 <b>A. My supervisor.</b> 11 Q. Diane Mond? 12 <b>A. Yes.</b> 13 Q. Have you made these calls to judges during 14 the entire time that you were the direct admissions 15 coordinator at Napa State Hospital? 16 <b>A. I haven't made them lately.</b> 17 Q. When is the last time you recall having 18 made one of these calls to a judge? 19 <b>A. Probably 2014. I haven't done it in a 20 long time.</b> 21 Q. Do you know whether anyone else within the 22 Department of State Hospitals made telephone calls 23 to judges to see if the judge would let them take 24 the patient later than the judge had ordered? 25 <b>A. I don't know.</b></p>	<p style="text-align: right;">Page 76</p> <p>1 you making telephone calls to judges to see if you 2 could make a deal for the patient to be admitted 3 later, you might be violating rules against 4 ex parte communications with the court; is that 5 correct? 6 <b>A. No one ever said anything.</b> 7 MS. SHERWIN: Okay. I have no further 8 questions. Thank you. 9 MS. ADDAMS: I have a few questions. 10 Before we go off the record, do you need a 11 break before? Okay. Great. 12 EXAMINATION BY MS. ADDAMS: 13 Q. I wanted to ask you about the exhibits 14 that are in front of you, 6, 7, 8, 9, 10, 11, 12, 15 and 13. 16 Were these -- these are pages from what 17 has been referred to here as a waiting list, 18 correct? 19 <b>A. Yes.</b> 20 Q. Was this an official DSH waiting list? 21 <b>A. No.</b> 22 Q. What was it? 23 <b>A. Just like a record of my work. I just 24 keep track of every patient I work on and put their 25 name down and a little something about them because</b></p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Did you ever let the patient's criminal 2 defense lawyer know that you were making these 3 personal calls to the judges who had ordered Napa 4 State Hospital to take the patient? 5 <b>A. No.</b> 6 Q. Did you ever let any prosecutor or 7 district attorney know that you were making these 8 direct calls to judges? 9 <b>A. No.</b> 10 Q. Did Diane Mond ever tell you not to call 11 the judge directly? 12 <b>A. No.</b> 13 Q. Did Diane Mond ever express any concerns 14 to you that you might be violating rules against 15 ex parte communications with the court by calling a 16 judge directly and not informing the district 17 attorney or the patient's criminal defense lawyer? 18 MS. ADDAMS: Objection. Calls for a legal 19 opinion. 20 <b>THE WITNESS: No. Sometimes a judge would 21 call me. So if the judge called me, I would talk 22 to her.</b> 23 BY MS. SHERWIN: 24 Q. Okay. But nobody within the Department of 25 State Hospitals ever expressed a concern that with</p>	<p style="text-align: right;">Page 77</p> <p>1 <b>then later on hopefully I can remember things. It 2 might jog my memory and dates and just to help 3 myself a little bit.</b> 4 Q. Were you asked by anybody, any supervisor 5 or anyone, to make this list? 6 <b>A. No.</b> 7 Q. Were you asked to continue the list 8 throughout your employment at Napa State Hospital? 9 <b>A. No.</b> 10 Q. Does this list constitute IST and other 11 admission, potential admitees, for Napa State 12 Hospital? 13 <b>A. Yes. And some at other places.</b> 14 Q. Does it list Napa State Hospital only or 15 all hospitals? 16 <b>A. It was -- these were just all packets that 17 I worked on at some point, and then maybe they 18 ended up going somewhere else.</b> 19 Q. But you wouldn't be receiving -- you 20 wouldn't be adding things to this list, adding 21 people to this list, that came, say, to L. A. 22 County? 23 <b>A. No. Not unless we were taking them as a 24 favor for somebody or -- not normally. It was 25 mostly just our catchment area.</b></p>

<p style="text-align: right;">Page 78</p> <p>1 Q. And did you share this database with 2 anyone?</p> <p>3 A. Not really. People could look at it. 4 It's on a shared database, but mainly I just used 5 it.</p> <p>6 Q. And did you use it to track what went on 7 at county jails in any way?</p> <p>8 A. Not really, no.</p> <p>9 MS. ADDAMS: Could we take a quick break 10 before we conclude?</p> <p>11 MS. SHERWIN: Sure. And I will have a 12 couple follow-up questions.</p> <p>13 THE VIDEOGRAPHER: The time is now 14 12:09 p.m. We are going off the record.</p> <p>15 (Recess taken)</p> <p>16 THE VIDEOGRAPHER: We are now going on the 17 record. The time is 12:14 p.m.</p> <p>18 MS. ADDAMS: I don't have any more 19 questions.</p> <p>20 EXAMINATION BY MS. SHERWIN:</p> <p>21 Q. Okay. I just have a couple of follow-up 22 questions.</p> <p>23 Ms. White, going back to your direct 24 admission waiting list that you've created, you 25 created that list in the course of your job at Napa</p>	<p style="text-align: right;">Page 80</p> <p>1 THE VIDEOGRAPHER: This marks the end of 2 DVD two of two and concludes today's deposition of 3 Dana White.</p> <p>4 The time is now 12:15 p.m. We are going 5 off the record. Thank you, Counsel.</p> <p>6 7 (At 12:15 p.m. the foregoing deposition concluded.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 79</p> <p>1 State Hospital and the Department of State 2 Hospitals, right?</p> <p>3 A. Yes.</p> <p>4 Q. And that was something that you did 5 actually after learning when you first assumed the 6 position that someone else had kept a list like 7 that, and it would be a good idea for you to keep a 8 list like that so you can keep everyone in one 9 place, right?</p> <p>10 A. Yes.</p> <p>11 Q. And you found that list helpful in your 12 work, and you've used it in your work with Napa 13 State Hospital and the Department of State 14 Hospitals since you first started keeping it in 15 2004, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that document is kept on a shared file 18 in your work computer system at Napa State 19 Hospital, right?</p> <p>20 A. Yes.</p> <p>21 Q. That's not something that you keep on your 22 own home computer or anything like that, right?</p> <p>23 A. Right.</p> <p>24 MS. SHERWIN: Okay. I have no further 25 questions. Thank you.</p>	<p style="text-align: right;">Page 81</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, MICHELE J. LUCAS, a Shorthand Reporter, 4 State of California, do hereby certify:</p> <p>5 That DANA WHITE, in the foregoing deposition 6 named, was present and by me sworn as a witness in the 7 above-entitled action at the time and place therein 8 specified;</p> <p>9 That said deposition was taken before me at 10 said time and place, and was taken down in shorthand by 11 me, a Certified Shorthand Reporter of the State of 12 California, and was thereafter transcribed into 13 typewriting, and that the foregoing transcript 14 constitutes a full, true and correct report of said 15 deposition and of the proceedings that took place;</p> <p>16 That the deponent's review and signature was 17 not requested;</p> <p>18 IN WITNESS WHEREOF, I have hereunder 19 subscribed my hand this 5th day of June, 2019.</p> <p>20 </p> <p>21</p> <p>22 MICHELE J. LUCAS CSR NO. 4017 23 State of California 24 25</p>